

To: Kurt Neibergall

From: Carol Fuller

Re: **Summary of meetings on October 24, 2002** held by Illinois EPA and U.S. EPA with representatives from the Citizens' Advisory Group (for the Downers Grove area) and with DuPage County, Downers Grove and DuPage County Water Commission officials regarding the Downers Grove /Ellsworth Industrial Park Groundwater Investigation.

CC: Sherrie Elzinga, Bill Child, Bernie Killian, Gary King Terry Ayers, Fred Nika, Mark Gurnik, Larry Eastep, Rick Cobb and Bill Seith

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10:00 a.m. meeting with representatives from the CAG

Citizens attended representing the North Belmont Park area (without infrastructure), Belmont Park and Downers Grove Gardens. One citizen attended who lives in incorporated Downers Grove but still has a well. Besides U.S. EPA and Illinois EPA technical, legal and community involvement staff, the Illinois Attorney General's Office was represented in the discussion.

Tom Krueger (U.S. EPA legal counsel) summarized the situation with notices to potentially responsible parties (PRPs) and the willingness of the core group to respond to the request to make connections for residents to the public water supply. He explained the deadline of mid-December for receiving a good faith offer from the PRPs to do investigation (of source areas), water connections or both.

The attorney for the citizens, Mr. James Bruslan, explained that he has not filed a case yet. He is hopeful that they will be able to settle with the PRPs. He outlined the citizens' desires in two categories – what the citizens hope the environmental agencies may accomplish and what the citizens will pursue in their class action suit.

Desires of citizens re: agency enforcement actions:

Infrastructure (for North Belmont Park) and **public water supply connections** for all. (U.S. EPA can't do cost recovery for individuals who have already paid for connections.)

Bottled water or filtration units

Well sealing cost (if well sealing is necessary)

Testing – regarding use of public water supply (PWS) after wells have been disconnected. Residents want some assurance that their home distribution system is free of the TCE/PCE contamination and that the water provided by the water doesn't have other contaminants.

Rick Cobb explained that the treatment system for the City of Chicago is the most sophisticated in the state and, perhaps, in the nation and that the supply must meet all federal guidelines for contaminant residues, including by-products of chlorination. At the time the connection is made to the PWS, there is a standard procedure of flushing the system, which should take care of any residual TCE/PCE-tainted water in the pipes. Rick said that the BOW could write up something in that regard to reassure the residents.

Desires of citizens regarding their own lawsuit:

- Ø Reimbursement for bottled water purchased since residents were notified by IDPH of the contamination (estimated at \$25 to 75/mo for a typical family of four).
- Ø Compensation for reduced property value of homes
- Ø Compensation for increased water costs over a specified period of time
- Ø If annexation required, compensation for increased taxes for specified period
- Ø Probably no personal injury claims; possible medical monitoring

Citizens explained that reluctance by the Village of Downers Grove was expressed at a previous meeting that citizens attended regarding spending the 30% match for the cost of installing infrastructure in North Belmont Park. The Village has no plans to incorporate that area and, so, will derive no taxes from that area, although they will be billing for water costs over time. They raised the question of possibly seeking reimbursement from PRPs for that 30% match (approximately \$300,000).

Residents had raised the possibility of PRPs providing filtration units in lieu of bottled water until PWS connections can be achieved. Tom Krueger cautioned that if water connections can be made to happen soon, it is probably not realistic to ask for installation of filtration systems, which are expensive. It could even cause the PRPs to drag their feet a bit, since – once a filtration system is effectively removing contamination – there would not be as much urgency to make PWS connections.

A question was raised about the current local ordinance regarding abandoning private wells. The Village does not require abandonment when the resident connects to the PWS; rather, it requires complete disconnect of the well from the house to avoid the possibility of cross contamination. The DuPage County ordinance, however (updated in September 2001) says that if you choose to use a well as a secondary well (such as for irrigation purposes), you must obtain a permit from the county, and the water must meet Groundwater Standards. In the case of TCE, the Groundwater Standard is 5ppb, the same as the MCL for public water supplies. If a well does not meet the standard, it is to be sealed.

The CAG offered to the Village to pay a higher “reasonable” rate for water in lieu of annexation. Most of the people are still against annexation. They question the validity of the pre-annexation agreements that the Village required homeowners to sign to date in order to connect to the PWS (for annexation in 2006 or 2008). The citizens believe they are illegal and invalid. The Village pays \$2.32 per 100 ft³ (about 750 gallons) for water from DuPage Water Commission. Downers Grove has suggested doubling the rate for out-of-area users. The CAG is willing to go \$1.00 to \$1.50 more than cost, but not double, which is what the Village offered.

The Village told the CAG that they are considering an ordinance for all private wells with contamination greater than 5ppb (for TCE or PCE) to be forced to connect to the PWS.

1:30 meeting with the County, the Village of Downers Grove and representatives from the DuPage Water Commission:

Downers Grove representative, Rick Ginex (Village Manager) said that the Village has submitted their grant application to Illinois EPA for **infrastructure** funding for North Belmont Park. Regarding the 30% match, he said that they Village needs to have a certain number of homes connect to PWS to offset this local match cost to the Village (they will earn it back over time from the connection fees and water bills). There have been discussions that the Water Commission could forgive the portion of the loan to the Village for the local match. However, there is no commitment so far to do so.

Downers Grove intends to borrow from the Water Commission \$7.7 million for the approximately 802 homes yet to connect to public water supply (there are about 275 homes already connected in the unincorporated areas). The breakdown in what they will loan out to individual homeowners was calculated as follows:

- \$3,000 recapture fee (to cover infrastructure already paid for)
- 960 connection fee for ongoing operation of the system (this is the portion of the Villages fee that must be paid right away; the balance can be paid over time)
- 1,500 to cover the B-box; puts connection from water main to property line
- 3,000 average cost of service connection to home (this is an allowance)

(For the homes North of Maple that will need infrastructure, the B-box cost will be included with the infrastructure.) For the 802 homes, the total cost comes to \$7.7 million, which amounts to monthly payments of approximately \$9,613. A minimum commitment for a loan from the Water Commission would amount to about \$1 million to cover approximately 100 homes. This equals the break-even point, or the revenue from the 100 homes. However, it would not cover the \$3000 recapture fee per home or the connection fee.

At 120 homes, the Village would break even and recover the connection fee, but not the recapture fee. At 290 homes, the Village would recover both.

There are also about 60 homes in the Village (incorporated) that still need PWS connections.

Annexation – The Village Council has decided to accept the 10-year delay in annexation (that was recommended by the DuPage Water Commission). It is likely that the Village won't annex at the end of the 10 years, although the Village Council is leaving the decision for a future administration. This is based on the cost analysis of increased cost to the Village to provide not only curbs, storm sewers and road maintenance but personnel for sanitary and roadwork. The additional tax revenue won't compensate for the increased costs for service to the two areas – Belmont Park and Downers Grove Gardens. The Village explained that the pre-annexation agreements already signed would be amended to reflect the 10-year delay in annexation.

Tom Krueger (U.S. EPA) stated that he believes there is a realistic chance of getting the PRPs to pay for the water connections. He posed the question to the Water Commission whether they would have to be paid back all of the loan amount right away, if he can convince the PRPs to cover the connection costs, or could it be paid over time. Greg Wilcox (Director of Public Works for DuPage

County and member of the DuPage Water Commission) said that he has no problem with the loan amount being paid back over time. This might amount to the estimate the Village came up with of approximately \$9,600 per month.

The offer from the Water Commission regarding the loan money from the Village to the homeowners is 90 days (with existing terms), but with a possibility of extending it under changing terms. U.S. EPA asked that the County and Village hold off on advertising the funding availability until they have a chance to get a clearer picture of whether the PRPs might agree to cover the connection costs.

Abandoning private wells. In response to Tom Krueger's question, Greg Wilcox said that the county has the authority to pass an ordinance requiring that the private wells be abandoned when PWS connections are made.

After the meeting, Wendy Carney (U.S. EPA Superfund Enforcement) said, in a side conversation, that since the remedy for the water connections amounts to paying out money, the Illinois Attorney General might be best suited to handle that portion of the settlement, while U.S. EPA could pursue settlement/commitment with PRPs to do the necessary remedial investigation work and remedy for the source area(s).